



CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #1
March 20, 2014
BZZ-6444

LAND USE APPLICATION SUMMARY

Property Location: 2722 47th Street West
Project Name: Variance to Reduce Front Yard Setback
Prepared By: Joseph.Giant@minneapolismn.gov, City Planner, (612) 673-3489
Applicant: David Sampsell, Kathleen Heafy
Project Contact: Scott Busyn
Request: To construct a single-family dwelling with detached garage.
Required Applications:

Variance	<ul style="list-style-type: none">• Variance to reduce the required front yard setback along 47th Street West from 25 feet to approximately 18 feet, measured to the structure• Variance to reduce the required front yard setback along 47th Street West from 25 feet to approximately 10 feet, measured to the patio/pergola.• Variance to reduce the required front yard setback along Upton Avenue South from 25 feet to 10 feet, measured to the structure.
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SITE DATA

Existing Zoning	RI Single-Family District SH Shoreland Overlay District
Lot Area	7,380 square feet / 0.17 acres
Ward(s)	13
Neighborhood(s)	Linden Hills; adjacent to Fulton
Designated Future Land Use	Urban Neighborhood
Land Use Features	NA
Small Area Plan(s)	NA

Date Application Deemed Complete	February 24, 2014	Date Extension Letter Sent	NA
End of 60-Day Decision Period	April 25, 2014	End of 120-Day Decision Period	June 24, 2014

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property, 2722 47th Street West, is located at the northeast corner of 47th Street West and Upton Avenue South. It is a trapezoidal shaped reverse corner lot with a length of approximately 101 feet and a width of approximately 80 feet along the 47th St. frontage tapering down to 60 feet at the rear property line. The lot area is approximately 7,102 square feet. The property currently accommodates an existing two-story, single-family dwelling constructed in 1905 and a detached garage constructed in 1922. The current house is located 25.3 feet from the 47th St. property line and 16.1 feet from the Upton Ave. property line. A 12-foot-wide driveway extends along the interior side lot line on the east side of the property. The driveway is shared with 4648 Lake Harriet Parkway.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The subject property is located in the Linden Hills neighborhood and is adjacent to the Fulton Neighborhood. The predominant land use in the area is low-density single-family housing.

Both the existing and proposed structures will face 47th St. The only other home on the 47th St. block face is oriented towards Lake Harriet Parkway. At its closest point, a portion of the side of the neighboring house is 9 feet from the 47th Street lot line. If approved, at its closest point the patio/pergola on the subject property would be 10 feet from the property line.

The subject property is located on a reverse corner lot. This condition occurs due to the fact that the adjacent property to the north along Upton Ave is a through lot, and by definition both lot lines with street frontage on a through lot are treated as front lot lines and are subject to front yard setbacks. Consequently, the corner side yard of the subject property that extends along Upton Ave is regarded as a continuation of the front yard of the adjacent through lot and is therefore subject to the district requirements governing front yard setbacks.

The subject property is the only non-through lot on the Upton Ave. block face; every other property is addressed towards Lake Harriet Parkway and has a garage facing Upton Ave. In addition, only one of the seven through lots on the block face has a garage that observes the 25-foot setback. The requested variance seeks to reduce the required 25 foot setback to 10 feet, which is the standard setback for a corner lot in the R1 zoning district.

PROJECT DESCRIPTION. The applicant proposes to demolish the existing house and garage in order to construct a new single-family home and detached garage. However, a combination of setback requirements, an atypical lot shape and orientation, and the presence of a shared driveway result in a buildable area that is too constricted to accommodate the type of development that is in keeping with the scale and character of surrounding properties.

At its nearest point, the proposed structure will be located 18 feet from the 47th St. property line. The R1 district requires a 25 foot setback, so the applicant has requested a 7 foot variance.

The proposed home contains a pergola and patio that extend from the 47th St. facade towards the street. Pergolas and patios are permitted obstructions in required front yards if they meet specific size requirements. Pergolas in required front yards may be 8 feet high and occupy no more than 20 square feet in area. Patios in required front yards may occupy no more than 50 square feet in area. The proposed pergola and patio exceed these limitations so the applicant has requested a variance to reduce the front yard setback from 25 feet to 10 feet in order to accommodate these features.

Because the parcel is a reverse corner lot it must observe a 25-foot setback along Upton Ave. as well as along 47th St. Compliance with the district regulations would therefore require that the house be located 25 feet from the property line along Upton Ave. The proposed structure is located 10 feet from the Upton Ave. property line necessitating a 15-foot variance.

PUBLIC COMMENTS. Any additional correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

The public notice accompanying this application described a variance to reduce the front yard setback along Upton Ave from 25 feet to 18 feet to the structure, along Upton Ave from 25 feet to 10 feet to the patio/pergola, and along 47th St from 25 feet to 10 feet to the structure. It should have read “along 47th St W from 25 feet to 18 feet to the structure, along 47th St W from 25 feet to 10 feet to the patio/pergola, and along Upton Ave S from 25 feet to 10 feet to the structure.” This was an error on the part of Staff and all corrections have been made in the final documentation and staff report.

ANALYSIS

VARIANCE

In accordance with Chapter 525, Article IX Variances, Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations,” the Department of Community Planning and Economic Development has analyzed the application for variance based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

The classification of the property as a reverse corner lot and the existing shared driveway are practical difficulties unique to the property. The subject property is the only parcel on the block that does not face Lake Harriet Parkway, and is the only non-through lot with frontage along Upton Ave. Because the rear lot line of a through lot is treated as a front lot line, properties adjacent to this secondary street frontage are compelled to abide by the front yard setback. The subject property, therefore, must observe a 25 foot setback along Upton Ave, severely limiting the buildable area of the lot

The existing driveway extends along the interior side property line on the east side of the lot. The driveway is shared with 4648 Lake Harriet Parkway, and in order to preserve this arrangement, the location of the driveway will not be altered. Because the driveway is shared, the northeast corner of the lot is the only practical location for a garage. The garage location, combined with the topography and shape of the lot (the lot is 20 feet narrower along the rear lot line than along the front lot line) require that the house be pushed towards Upton Ave and 47th Street.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

The proposed use is a single-family home with a detached garage, which is a permitted use in the R1 district and the predominant land use in the surrounding area. This use of land is consistent with the character of the area and the future land use map contained in the comprehensive plan. According

to Chapter 535.220 of the Minneapolis Code of Ordinances, the purpose of yard requirements is to provide for the orderly development and use of land and to minimize conflicts among land uses by governing the location of uses and structures. The proposed variances do not hinder orderly development nor do they create conflicts among land uses.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

The proposed variances will not alter the character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Although the location of the proposed home extends beyond the footprint of the existing home, the proposed location, setback, and design of the home are consistent with nearby properties.

Upton Ave: Besides the subject property, the Upton Ave. block face contains only rear lot lines of through lots facing Lake Harriet Parkway. Therefore, Staff determines that reducing the required setback from 25 feet to 10 feet (the typical corner side yard setback in the R1 district) will have a negligible effect on surrounding properties.

47th St: The pergola and patio extend no further from the structure than the open front porch and are at minimum 10 feet from the front lot line. The only other structure on the block face is a single-family home oriented towards Lake Harriet Parkway. The side of this home is located 9 feet from the property line. The owners of this home have written a letter supporting the granting of these variances. A copy of the letter has been included in the attachments.

With a Floor Area Ratio (FAR) of .38 the home is substantially below the district maximum of .5. The new home will be subject to administrative site plan review if the variance is granted, which will help to ensure consistency with the traditional neighborhood design features articulated in Chapter 530.280 of the Minneapolis Code of Ordinances. With a detached garage, basement, pitched roof, high-quality materials, and ample windows, the proposed home qualifies for 22 out of 24 possible points that new homes in the city may achieve, far exceeding the minimum of 15.

Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:

1. *The prevention of soil erosion or other possible pollution of public waters, both during and after construction.*

Staff finds that the proposed project will prevent soil erosion and other possible pollution during and after construction. The contractor will use approved soil erosion control practices while the home is being constructed. The applicant has submitted an erosion control plan intended to minimize the potential impacts that new development could have on the natural environment.

2. *Limiting the visibility of structures and other development from protected waters.*

The proposed home should be minimally visible from Lake Harriet. The home will be screened from view by another home as well as by a seasonal tree canopy. The home will not be out of character with the surrounding properties, nor will it be taller than other homes in the area.

3. *The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.*

The subject site does not have direct access to Lake Harriet. The proposed project will not require the accommodation of any watercraft.

RECOMMENDATIONS

Recommendations of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the application for variance at 2722 47th St to reduce the required front yard setback along 47th Street West from 25 feet to approximately 18 feet, measured to the structure

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the application for variance at 2722 47th St to reduce the required front yard setback along 47th Street West from 25 feet to approximately 10 feet, measured to the patio/pergola.

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the application for variance at 2722 47th St to reduce the required front yard setback along Upton Ave South from 25 feet to 10 feet, measured to the structure.

Staff recommends that the approvals be subject to the following conditions:

1. Approval of the final site, elevation, and floor plans by the Department of Community Planning and Economic Development
2. All site improvements shall be completed by March 20th, 2016 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site survey
4. Site plan
5. Plans
6. Building elevations
7. Renderings
8. Photos
9. Shoreland Overlay findings
10. Erosion Control Plan
11. Correspondence